

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Hermon Shelton, :
Plaintiff, : Case No. 2:06-cv-878
v. : JUDGE SARGUS
Ohio State University Medical :
Center, et al., :
Defendants.

ORDER

Plaintiff's affidavit reveals that he currently possesses the sum of \$44.47 in his prison account which is insufficient to pay the full filing fee. His application indicates that his average monthly balance for a six-month period prior to filing his application to proceed in forma pauperis was \$12.85. His application further indicates that his average monthly deposits for a six-month period prior to filing his application to proceed in forma pauperis were \$91.00. In accordance with 28 U.S.C. §1915(b)(1), §804(a)(3) of the Prison Litigation Reform Act, Pub. L. No. 104-134, 110 Stat. 1321, plaintiff must pay an initial partial filing fee of 20 percent of the greater of these amounts. The greater amount is \$91.00; therefore, plaintiff's initial partial filing fee is \$18.20 ($\$91.00 \times .20 = \18.20). That sum should be deducted from plaintiff's prisoner account, when funds are available, until the initial partial filing fee is paid. Once the initial partial filing fee is paid, the prison cashier's office shall deduct and forward to the Court 20% of the preceding month's income credited to the prisoner's account if, during that month, the balance of that account exceeded \$10, until the full fee has been paid. 28 U.S.C. §1915(b)(2). If plaintiff is transferred to another prison, the cashier should

forward this Order to that institution's cashier so that the cashier can collect and remit the monthly partial payment.

Checks are to be made payable to:

Clerk, U.S. District Court

Checks are to be sent to:

Prisoner Accounts Receivable
260 U.S. Courthouse
85 Marconi Blvd.
Columbus, OH 43215

The prisoner's name and case number must be noted on each remittance.

A prisoner may not be prohibited from bringing a civil action because he has no assets and no means to pay the initial filing fee. 28 U.S.C. §1915(b)(4), Id., §804(a)(3). If plaintiff does not currently possess the funds to pay the initial filing fee, the amount assessed by this Court will be collected from plaintiff's prison account when such funds become available.

WHEREUPON, it is ORDERED that plaintiff be allowed to prosecute his action without prepayment of fees or costs and that judicial officers who render services in this action shall do so as if the costs had been prepaid.

The Clerk of Court is DIRECTED to mail a courtesy copy of the complaint and a copy of this order to the Attorney General of the State of Ohio, Criminal Justice Section, 30 East Broad Street, 17th Floor, Columbus, Ohio, 43215.

The Clerk of Court is DIRECTED to mail a copy of this Order to the plaintiff and the prison cashier's office. The Clerk is FURTHER DIRECTED to forward a copy of this Order to the Court's financial office in Columbus.

The Court will conduct an initial screening of the complaint under 28 U.S.C. §1915A and 42 U.S.C. §1997e as soon as practicable to determine whether any claims are subject to

dismissal as frivolous, malicious, failing to state a claim, or because the complaint seeks monetary relief from a defendant who is immune from such relief. The Court will then enter an appropriate order either directing service of a summons and the complaint or dismissing the action, or certain claims contained therein, without service of process.

/s/ Terence P. Kemp
United States Magistrate Judge